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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(San Joaquin)

THE PEOPLE,

Plaintiff and Respondent,

v.

RUSSELL SHANE WILLIAMS,

Defendant and Appellant.

C076279

(Super. Ct. No. PS000098A)

Appointed counsel for defendant Russell Shane Williams has asked this court to review the record to determine whether there exist any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).) Finding no arguable error that would result in a disposition more favorable to defendant, we will affirm the judgment.

BACKGROUND

Defendant is a convicted sex offender subject to parole supervision by the California Department of Corrections and Rehabilitation's parole department (the parole department). On January 31, 2014, the parole department placed a GPS monitoring device on defendant's ankle, provided him with charging equipment, and trained him how to use it, including charging instructions. Defendant's conditions of parole required him to charge his GPS device for one hour twice daily, once in the morning and once at night, and contact parole immediately if the device vibrates or makes an audible tone (signaling low battery). The parole department electronically monitored defendant and maintained a log of incidents associated with his GPS device.

On February 7, 2014, the parole department received a low battery alert from defendant's GPS device at 6:59 a.m., followed by a critical battery alert, and finally a dead battery alert at 3:05 p.m. Parole agents located defendant under a bridge. When the agents identified themselves and called out defendant's name, defendant attempted to flee on his bicycle. After a brief chase, agents apprehended and arrested defendant.

The parole department filed a petition for revocation of parole, alleging defendant disabled his GPS tracking device (Pen. Code, § 3010.10) and resisted arrest.¹ A third allegation of absconding parole supervision was subsequently added. Following a joint hearing on the contested petition and defendant's motion to suppress evidence, the trial court denied the suppression motion and sustained the allegations in the petition as to all

¹ At the time of defendant's violation, Penal Code section 3010.10, subdivision (a) provided: "A person who is required to register as a sex offender pursuant to Section 290 shall not remove or disable, or permit another to remove or disable, an electronic, global positioning system (GPS), or other monitoring device affixed to his or her person as a condition of parole, when he or she knows that the device was affixed as a condition of parole."

counts. The court ordered defendant to serve 180 days in county jail, minus credit for time served (35 days). Defendant filed a timely notice of appeal.

DISCUSSION

Counsel filed an opening brief setting forth the facts of the case and requests that we review the record and determine whether there are any arguable issues on appeal. (*Wende, supra*, 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days have elapsed, and we have received no communication from defendant.

Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

DUARTE, J.

We concur:

BLEASE, Acting P. J.

BUTZ, J.